

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JASON RICHER,	:	
Plaintiff	:	
	:	
v.	:	C.A. No. 15-162-L-PAS
JASON PARMELEE as the Finance Director of	:	
THE TOWN OF NORTH SMITHFIELD,	:	
TOWN OF NORTH SMITHFIELD, and	:	
STEVEN E. REYNOLDS in his official	:	
capacity as Chief of the NORTH SMITHFIELD	:	
POLICE DEPARTMENT	:	
Defendants	:	

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTIVE RELIEF**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiff moves for a preliminary injunction against Defendants Town of North Smithfield and Steven E. Reynolds in his official capacity as Chief of the North Smithfield Police Department mandating the immediate return of Plaintiff's three guns seized and retained by Defendant. Plaintiff alleges the initial seizure was unconstitutional because it violated his rights as a gun owner under the Rhode Island Firearms Act and the United States and Rhode Island Constitutions, and because the seizure occurred without first giving Plaintiff proper notice and a meaningful opportunity to be heard as required by the Second and Fourteenth Amendments to the United States Constitution and Article 1, Sections 2 and 22 of the Rhode Island Constitution. Further, Defendants failed to provide Plaintiff with any post-deprivation hearing. Defendant challenges Defendants' apparently unwritten policy of requiring all gun owners whose guns have been seized, regardless of the circumstances, to obtain an order in state district court mandating the return of the guns before Defendants will return the guns.

In support of this motion, Plaintiff relies on his Amended Verified Complaint, including the exhibits attached to it, and the accompanying memorandum of law, filed simultaneously with this motion.

/s/ Thomas W. Lyons
Thomas W. Lyons #2946
Rhiannon S. Huffman, Esq. #8642
RHODE ISLAND AFFILIATE,
AMERICAN CIVIL LIBERTIES UNION
Strauss, Factor, Laing & Lyons
One Davol Square, Suite 305
Providence, RI 02903
(401) 456-0700

Date: May 1, 2015

CERTIFICATION

I hereby certify that on May 1, 2015, a copy of the foregoing was filed and served electronically on all registered CM/ECF users through the Court's electronic filing system and served by email on David Igliozi, Esq., solicitor for the Town of North Smithfield. Parties may access this filing through the Court's CM/ECF system.

/s/ Thomas W. Lyons

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